

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

533-5800

DATE: July 15, 2010

TO: Natural Resources & Culture Committee

FROM: Tom Zeleny, Deputy City Attorney

SUBJECT: Minutes of July 1, 2010 meeting

The purpose of this memorandum is to briefly explain why the minutes of the July 1, 2010 were revised at my request.

At the meeting, Councilmember Emerald's motion to forward the IPR Demonstration Project to the full City Council with a recommendation for approval received two votes in favor, one opposed, with one Councilmember absent. Under Roberts Rules of Order, the motion would have passed because it received an affirmative vote of a majority of the Councilmember present. However, the Permanent Rules of Council differ from Roberts Rules of Order in this respect.

The Permanent Rules of Council require a majority vote of the Councilmembers *assigned* to the committee to take a position on a matter, not just a majority vote of those present. Therefore, it requires at least three affirmative votes at NR&C to recommend the City Council adopt a resolution or ordinance, even if only three Councilmembers are present.

Under Permanent Rule 6.9.1(c), if a matter only receives two affirmative votes it may be forwarded to the full City Council for consideration without a recommendation. The IPR Demonstration Project was therefore properly forwarded to the full City Council, but the minutes of the July 1 NR&C meeting were revised to reflect it was forwarded without a recommendation from the committee.

I will be out of town the week of the next scheduled meeting of NR&C, but please feel free to contact me if you have any questions, or I can explain this further at any following meeting of NR&C.